

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

OLGA AYALA,

Plaintiff,

vs.

PINNACLE ASSET GROUP, LLC,

Defendant.

CASE NO. 13CV595-GPC(WMC)

**ORDER GRANTING PLAINTIFF'S  
MOTION TO PROCEED *IN  
FORMA PAUPERIS***

[Dkt. No. 2.]

On May 13, 2013, Plaintiff, proceeding with counsel, filed a complaint asserting claims under the Fair Debt Collection Practices Act, and California's Rosenthal Fair Debt Collection Practices Act. (Dkt. No. 1.) Along with her Complaint, Plaintiff filed a motion to proceed *in forma pauperis*. (Dkt. No. 2.)

All parties instituting any civil action, suit, or proceeding in a district court of the United States, except an application for writ of habeas corpus, must pay a filing fee of \$350. See 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). See *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). A court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all of his or her assets, showing that he or she is unable to pay the fees. See 28 U.S.C. §1915(a).

1        In her Declaration, Plaintiff states she is currently unemployed, receives no  
2 income, and has assets totaling approximately \$850. Plaintiff states her husband,  
3 whose net monthly income is \$3,357, provides for Plaintiff's day-to-day expenses.  
4 Plaintiff states she has approximately \$6,000 in debt, is making payments on a vehicle  
5 with \$10,000 owed, and has household expenses totaling \$3,716. Plaintiff also states  
6 her brother and two grandchildren are dependent on her for support; though, she does  
7 not state how much she contributes to their support. In sum, Plaintiff's household  
8 operates on a monthly deficit of \$358. The Court finds that Plaintiff has sufficiently  
9 demonstrated she is unable to pay the required filing fee. Accordingly, the Court  
10 **GRANTS** Plaintiff's motion to proceed *in forma pauperis*.

11        IT IS HEREBY ORDERED.

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14 DATED: March 25, 2013

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16 HON. GONZALO P. CURIEL  
United States District Judge

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